

**Sonos, Inc.'s Opp'n to Google LLC's
Motion *In Limine* No. 1**

EXHIBIT C

1 CLEMENT SETH ROBERTS (STATE BAR NO. 209203)

2 croberts@orrick.com

3 BAS DE BLANK (STATE BAR NO. 191487)

4 basdeblank@orrick.com

5 ALYSSA CARIDIS (STATE BAR NO. 260103)

6 acaridis@orrick.com

7 EVAN D. BREWER (STATE BAR NO. 304411)

8 ebrewer@orrick.com

9 ORRICK, HERRINGTON & SUTCLIFFE LLP

10 The Orrick Building

11 405 Howard Street

12 San Francisco, CA 94105-2669

13 Telephone: +1 415 773 5700

14 Facsimile: +1 415 773 5759

15 SEAN M. SULLIVAN (*pro hac vice*)

16 sullivan@ls3ip.com

17 COLE RICHTER (*pro hac vice*)

18 richter@ls3ip.com

19 LEE SULLIVAN SHEA & SMITH LLP

20 656 W Randolph St., Floor 5W

21 Chicago, IL 60661

22 Telephone: +1 312 754 0002

23 Facsimile: +1 312 754 0003

24 *Attorneys for Defendant Sonos, Inc.*

25 UNITED STATES DISTRICT COURT

26 NORTHERN DISTRICT OF CALIFORNIA

27 SAN FRANCISCO DIVISION

28 GOOGLE LLC,

Plaintiff and Counter-defendant,

v.

SONOS, INC.,

Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**REPLY EXPERT REPORT OF
DR. KEVIN C. ALMEROOTH**

1 '966. See 1/13/2023 Schonfeld Rebuttal Report at ¶¶ 161-162; 7/27/2022 Schonfeld Rebuttal
2 Report at ¶¶ 99-101. Instead, Dr. Schonfeld argues that my opinion is “flawed” because I “blindly
3 accept[ed] Sonos’s discovery response as fact without providing any of [my own] analysis” and
4 that I “fail[ed] to provide any details or evidence of [my] alleged ‘use’” of Sonos’s commercial
5 product. See 7/27/2022 Schonfeld Rebuttal Report at ¶¶ 100-101. I disagree.

6 279. As set forth in my 11/30/2022 Opening Report, my opinions regarding Sonos’s
7 commercial products are based on my own analysis, including my review of Sonos’s First and
8 Second Supplemental Responses to Google’s Interrogatory No. 13 and the materials identified
9 therein, my own use and testing of Sonos’s commercial products (which is laid out in detail in my
10 11/30/2022 Opening Report including screenshots of the testing), my review of Sonos’s
11 Technology Tutorial, my review of Sonos’s patent to product information available on Sonos’s
12 website for the ’885 and ’966 Patents, and my discussions with Mr. Nick Millington, who is
13 Sonos’s Chief Innovation Officer. 11/30/2022 Almeroth Opening Report at ¶¶ 778-797.

14 **XVII. COMPARABILITY OF IFTTT APPLETS**

15 280. I disagree with Dr. Schonfeld’s analysis and criticism of my opinions regarding
16 IFTTT. See 1/13/2023 Schonfeld Rebuttal Report at ¶¶ 163-177. While my 11/30/2022 Opening
17 Report fully disposes of Dr. Schonfeld’s IFTTT assertions, I will briefly address a few of the more
18 salient issues raised in his 1/13/2023 Rebuttal Report.

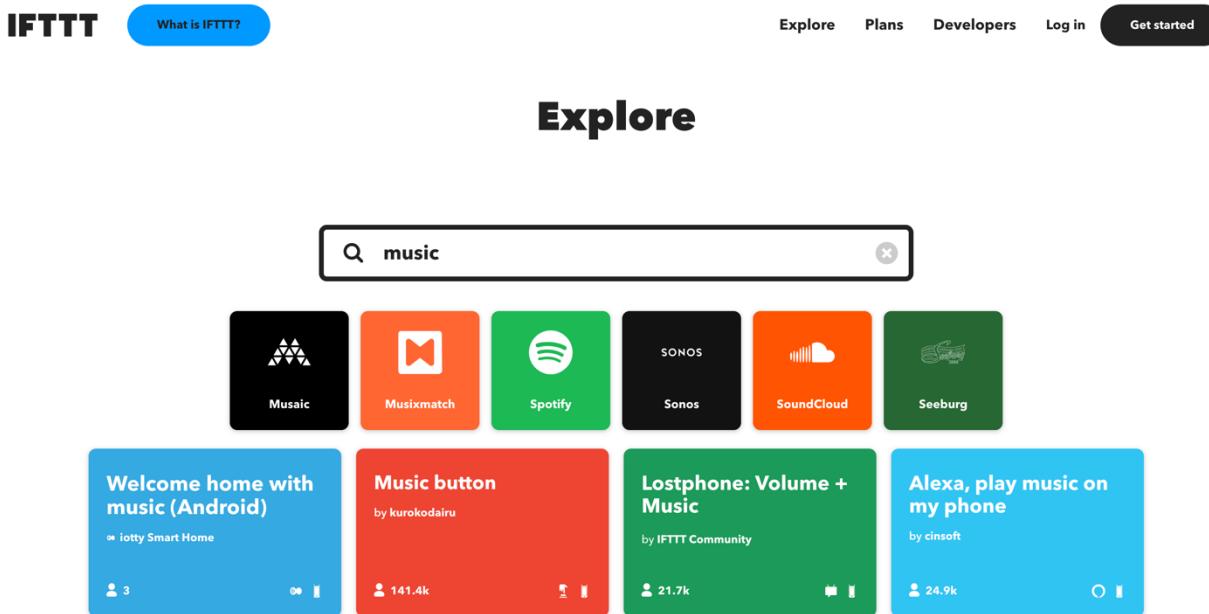
19 281. At the center of Dr. Schonfeld’s assertions is that the IFTTT applets do not allow
20 groups of speakers to be synchronized for playback. I have already acknowledged this fact. As
21 Dr. Schonfeld has stated, however, “identity of circumstances is not required for comparability”
22 and “the evaluation of comparability . . . necessarily involves an element of approximation and
23 uncertainty.” 1/13/2023 Schonfeld Rebuttal Report at ¶ 21. I agree with Dr. Schonfeld. Here, the
24 fact that the IFTTT applets do not allow groups of speakers to be synchronized for playback does
25 not mean that the IFTTT applets are not technologically comparable to the zone scene technology
26 claimed in the ’966 and ’885 Patents. To the contrary, as I explained in paragraph 814 of my
27 opening report, the IFTTT applets are technologically comparable:

28 In this regard, the IFTTT Applets are technologically comparable to the “zone

scene” technology claimed in the ’885 and ’966 Patents. That is, these Applets can be used to create and save a predefined group of playback devices, such as speakers, that can later be invoked to cause such devices to playback the same song. These saved groups can also be named according to a common theme, such as “Garden,” “Morning,” “Afternoon,” and “Evening.” Moreover, the Applets allow for these predefined groups to include overlapping playback devices and to be capable of playing back the same song.

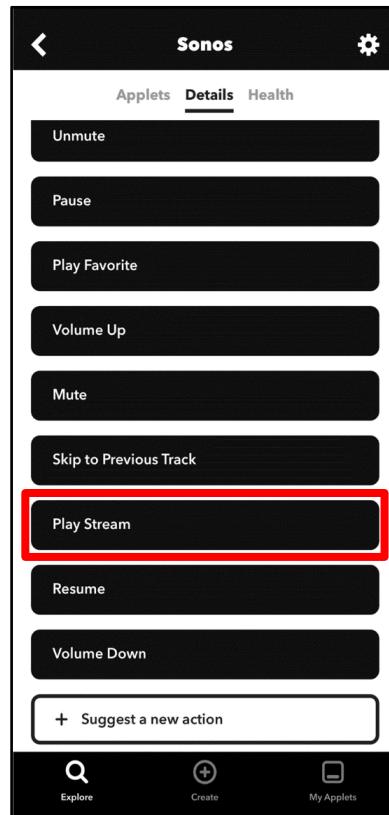
11/30/2022 Almeroth Opening Report at ¶ 814.

282. Dr. Schonfeld asserts that “IFTTT *generally* has no relationship to audio playback, speaker grouping, or any of the claimed functionalities.” 1/13/2023 Schonfeld Rebuttal Report at ¶ 175. I disagree with this assertion. While IFTTT may not have a *specific* or limited relationship to “audio playback, speaker grouping, or any of the claimed functionalities,” it certainly has a relationship. The applets that I created demonstrate how IFTTT triggers and actions built by the IFTTT developers (as opposed to a random individual) can be used to create and save a predefined group of playback devices, such as speakers, that can later be invoked to cause such devices to playback the same song. Moreover, the Sonos, Spotify, and Button pages are all easy to locate on the IFTTT website and in the IFTTT app. For example, a simple search for “music” on the “Explore” page of the IFTTT website prominently displays links to “Sonos” and “Spotify” at the top, as well as the use of a Button trigger called “Music button” just below those links:



1 See <https://ifttt.com/search/query/music>.

2 283. Dr. Schonfeld further argues that because “the [Sonos] applet notes that ‘the group
3 containing the room will resume playback,’” “[t]his is inconsistent with Sonos’s own position on
4 the requirement of ‘standalone mode’ in the claims.” 1/13/2023 Schonfeld Rebuttal Report at ¶
5 169. This is incorrect. As I demonstrated in my testing, I used the IFTTT applets to group
6 individual speakers that were previously ungrouped. To the extent that Dr. Schonfeld is balking
7 at the reference to “resume” in this applet, I note that IFTTT also has a Sonos action referred to as
8 “Play Stream”:



22 SONOS-SVG2-00227605-608 (annotated).

1 supplement this Reply Report in view of Mr. MacKay's additional deposition testimony.

2 290. If I am requested to do so, I may respond to additional statements made, or
3 discovery provided, by Google, or opinions submitted by expert witnesses on behalf of Google. I
4 may do this in a responsive report or in a supplemental report as appropriate.

5 291. I expect to testify at trial regarding the matters set forth in this report, if asked about
6 these matters by the Court or by the parties' attorneys.

7
8 Dated: January 23, 2023

9 By: Kevin C. Almeroth
10 Kevin C. Almeroth

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28